HON'BLE SRI JUSTICE L.NARASIMHA REDDY

WRIT PETITION No. 16898 of 2007

Dated 28.08.2007

Between:

M/s. Yousufuddin & Co.

…Petitioner

and

The chairman and another.

…Respondents

HON'BLE SRI JUSTICE L.NARASIMHA REDDY

WRIT PETITION No. 16898 of 2007

O R D E R:

The petitioner holds a licence, under the Andhra Pradesh (Agricultural Produces and Livestock) Market Act, 1966 (for short the Act') issued by the Agricultural Market Committee, Gaddiannaram, Hyderabad. He states that he has been allotted a portion of verandah in the Office of the market committee several years ago and ever since, he is conducting the business in that place. Now, he complains that he is sought to be evicted from

the place, on the ground that the same is needed for parking the vehicles.

Heard the learned counsel for the petitioner and the learned Standing Counsel for the respondents.

The grant of licence under Section 7 of the Act, by itself, does not confer right on any licensee, to occupy any particular constructed or open area. The allotment of constructed or open area to the licensees or traders is regulated by the Act and the Government Orders issued from time to time.

Admittedly, the petitioner is not the licensee or the allottee of any place. It is also not alleged that the petitioner is paying any rent or fee for utilizing the place. It is not known as to on what basis, the respondents permitted the petitioner to occupy a portion of the constructed area.

Be that as it may, even at this stage, the respondents can consider the feasibility of regulating the use of the place, where the petitioner is conducting business. It would bring about an element of certainty and objectivity, apart from providing revenues to the market committee. The procedure applicable for allotment of shops can be applied to such allotments also, in addition to taking into account the period for which the licensee is

using the premises. It is also to be borne in mind that it is for the respondents to decide as to whether any constructed or open area can be permitted to be used for its purposes or be allotted to the intending traders.

Hence, the writ petition is disposed of, directing that the respondents shall pass appropriate orders, as regards the allotment of the place, where the petitioner is conducting the business, by fixing the rent payable thereto, considering the cases of other similarly situated persons and applying the Rules of Seniority etc., within a period of two (2) months from the date of receipt of a copy of this order. Till such time, *status quo* ordered by this Court on 09.08.2007, as regards the conducting of business by the petitioner, shall be maintained. There shall be no order as to costs.

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28.08.2007

JSU